



## Staff Report for PLVAR-2606-0016

### Application Information:

**Application Type:** Variance from Floodplain Standards

**Location of Subject:** 2517 Minnesota Ave

**Legal Description:** 010-3110-00680 and 010-3120-02780

**Applicant:** Monique Forcier and Jason Davis

**Applicant Contact:**

**Agent:**

**Agent Contact:**

**Staff Contact:** Jason Mozol, [jmozol@duluthmn.gov](mailto:jmozol@duluthmn.gov)

**Deadline for Action:**

**Application Date:** June 8, 2026

**Date Extension Letter Mailed:** June 26, 2026

**60 Days:** August 7, 2026

**120 Days:** October 6, 2026

**Site Visit Date:** May 26, 2026

**Sign Notice Date:** June 29, 2026

**Neighbor Letter Date:** June 23, 2026

**Number of Letters Sent:** 28

### Proposal:

Applicant is requesting to construct a home on an existing foundation.

### Recommended Action:

Staff recommends approval with conditions.

### Zoning and Land Use:

	Current Zoning	Existing Land Use	Future Land Use Map Designation
<b>Subject</b>	R-1	Residential	Traditional Neighborhood
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	N/A	Estuary	N/A

### Summary of Code Requirements:

**Sec. 50-37.9.C. General Variance Criteria (paraphrased):** Granting of variances of any kind is limited to situations where, due to characteristics of the applicant’s property, enforcement of the ordinance would cause the landowner practical difficulties.

**Sec. 50-18.1.C.4 Floodplain Standards- Flood Fringe District (paraphrased):** The lowest floor of structures must be at or above the regulatory flood protection elevation (RFPE) and fill must extend 15 feet beyond the structure at the same elevation.

## Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #1- Reuse previously developed lands and #5 – Promote Reinvestment in neighborhoods – This application allows a property owner to invest in an underutilized lot and reuse the existing foundation, minimizing impacts to the land and the amount of materials necessary to construct a home.

**Future Land Use: Traditional Neighborhood-** Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth 's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

**History:** The property was initially developed as a single-family home. In 2019 it was partially demolished leaving a small dwelling within the basement area of the previous home.

## Review and Discussion Items:

Staff finds:

1. Applicant is requesting a variance from the floodplain standard requiring fill to extend 15 feet from the structure. They propose to locate fill to the existing property lines, approximately 13 feet to the north, 15 feet to the west, and 4 feet to the south. A primary reason for the fill requirement is to provide a landing space for rescue boats in a flooding event. This property will maintain a safe access above flood levels on the Minnesota Ave frontage.
2. The existing lowest floor of the home is 605.5'. The Regulatory Flood Protection Elevation (RFPE) for the site is 607'. The existing structure does not comply with requirement that the lowest floor be at or above the RFPE. The applicant proposes to amend the structure and associated utilities, so they are compliant by elevating the lowest floor to 607'. Since the structure will be compliant with flood regulations there is no additional risk to the property by reducing the amount of required fill placed.
3. To minimize erosion of the fill material, the applicant proposes to revegetate and stabilize all fill areas after placement.
4. *Variance Criteria #1 (exceptional narrowness, shallowness, or shape):* This parcel is 40 feet wide, leaving little area to construct a home and leave 15 feet on either side to place fill.
5. *Variance Criteria #2 (circumstances unique to the property, not created by the property owner):* This property was platted in 1891 close to the shoreline and before floodplain regulations existed.
6. *Variance Criteria #3 (circumstances are peculiar to this property and do not apply generally to other land or buildings):* Many properties directly adjacent to the shore on Minnesota Point are constrained by floodplain regulations that don't affect properties on the other side of Minnesota Ave or elsewhere in Duluth.
7. *Variance Criteria #4 (proposes to use in a reasonable manner not permitted by code):* Single family homes are an allowed use in the R-1 district and the predominate use in this neighborhood.
8. *Variance Criteria #5 (will not impair light/air, increase congestion, or impair public safety or property values):* This request will not impair access to light or air, will not substantially impact traffic volumes or congestion in the area, and will not negatively impact public safety.
9. *Variance Criteria #6 (will not impair intent of this Chapter or alter the essential character of the locality):* The proposed home will remain aligned with the character of the neighborhood where there are several nearby properties occupied by homes of similar scale. Fill within flood fringe areas does not affect the carrying capacity of the floodplain or raise the elevation of flooding. For this reason, flood risk to adjacent properties will not increase.
10. No public, agency, or City comments were received.
11. Per UDC Section 50-37.1.N, approved variances lapse if the project or activity authorized by the permit has not begun within one year.



## **Staff Recommendation:**

Based on the above findings, Staff recommends that Planning Commission approve the Planning Review with the following conditions:

1. The project must be constructed and limited to the plans submitted with the application.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission review; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.

## Map for PLVAR-2606-0016 and PLVAR-2606-0017:



**Figure 1.**

Aerial imagery captured in 2025, highlighting parcel number 010-3110-00680 located in the R-1 (Residential-1) zone district.

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.





Planning & Development Division  
Planning & Economic Development Department

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218-730-5580 • www.duluthmn.gov



## Variance Application Supplemental Form

In order to submit a complete variance application, please explain how your request meets all of the below variance criteria. This is information that is required by the zoning code and will be shared with the Planning Commission during their review. You may fill out this form, or attach your information in a separate letter. This information will be shared with the Planning Commission in order to help them determine the appropriateness of the variance application and request.

List the UDC Section you are seeking relief from (example: "50-14.5 - front yard setback in an R-1"):

Section 50-37.9 subsection K. Flood Plain Regulations

**Please explain how the exceptional narrowness, shallowness or shape of the property, or exceptional topographic or other conditions related to the property, would result in practical difficulties under strict application of the requirements of the UDC:**

The elevation of the lot is lower than required by regulation by approximately 1.5 feet. Required minimum elevation of the structure is 607' but the current elevation is 605.5'. We will fill in the foundation and raise it to the required elevation with a new slab (conforming to the building code and not requiring a variance). We will not be able to add fill 15' out from the foundation as required in the code, due to the irregular shape of the lot, setback from adjacent lots, and the placement of the existing foundation, and will need a variance for that.

We will add fill out to each property line starting at the required grade and feathering down to the existing grade on adjacent property lines so as not to impact our neighbors. Where we can extend this landscaping elevation out 15' we will do so - on the property out towards the shoreline. In all cases the fill will taper to the level of the existing grade and not require a retaining wall.

**Please explain how the special circumstances or conditions that create the need for relief is due to circumstances unique to the property, and were NOT created by the property owner or the property owners' predecessors-in-interest:**

Many properties on Park Point were built below required elevation, including multiple properties within a few blocks of this one. This was done by the original builders prior to the current owners. We will bring the foundation up to the required elevation as well as bringing the lot adjacent to the foundation up to that elevation.

**Please explain the special circumstances or conditions applying to the building or land in question are peculiar to this property or immediately adjoining properties, and do not apply generally to other land or buildings in the vicinity:**

Many properties on Park Point were built too close or slightly over property lines including adjacent properties on both sides. By tapering the lot elevation to adjoining lots we will minimize impact.

**Please explain how the application proposes to use the property in a reasonable manner, which would not be permitted by this code except for a variance:**

Using the existing foundation footprint is both the most viable financially and in terms of developing a single family home that meets basic space and functional requirements. Grading the landscape a full 15' on either side of the foundation would impinge on our neighbors land use. Shortening that distance and tapering the grade to meet their existing elevation is the most reasonable way to proceed.

The request to maintain a residential home and garage on a historically established foundation line seems reasonable and standard for Minnesota Avenue.

**Please explain how that if the variance is granted it will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets or the danger of fire or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety or public welfare of the inhabitants of the city:**

The house will be a single family residence with similar design and appearance to other houses in the neighborhood. The variance will not alter the essential character of the locality.

The required fill will taper to existing grade and not cause any issues for adjacent property owners.

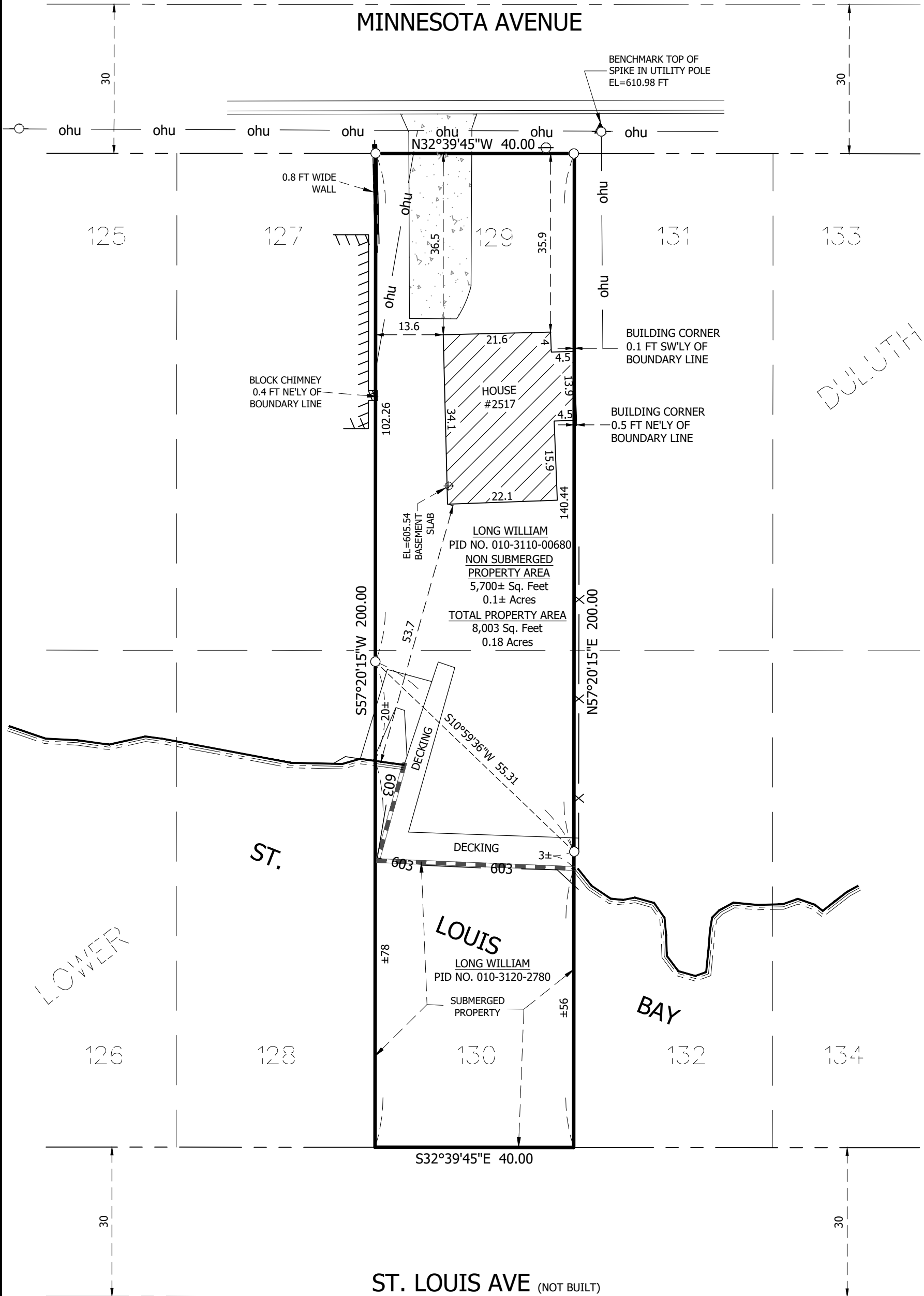
**Please explain how, if the variance is granted, it will not substantially impair the intent of zoning code and the official zoning map, and will not alter the essential character of the neighborhood:**

The house will be a single family residence with similar design and appearance to other houses in the neighborhood. The variance will not alter the essential character of the locality.

**Does your variance request need to meet any of the specific criteria in UDC Section 50-37.9, subsections D through M (E. Unsewered Areas, F. Two Family Dwellings in R-1, G. Parking Regulations, H. Reduce Setbacks, I. MU-C District, J. Airport Overlay, K. Flood Plain Regulations, L. Shorelands, or M. Non-Conforming Buildings)?**

Yes, it will meet the 15' requirement in the direction of the shore but will be approximately 13' in the direction of one adjacent property and 4'6" toward the other property as indicated in the attached drawing (Section 50-37.9 subsection K. Flood Plain Regulations).

MINNESOTA AVENUE



DULUTH

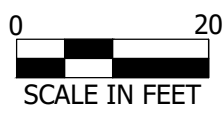
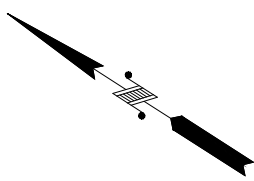
LOWER LOWER

ST.

LOUIS

BAY

ST. LOUIS AVE (NOT BUILT)



CERTIFICATE OF SURVEY

CLIENT: NORTHERN TRENDS  
 ADDRESS: 2517 MINNESOTA AVENUE  
 DULUTH, MN 55802  
 DATE: 03-17-2026

REVISIONS:  
 JOB NO: 26-058  
 SHEET 2 OF 2

**ALTA**  
 LAND SURVEY COMPANY  
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